

BROKER CHAPMAN MUST GO TO JAIL.

Supreme Court of the United States Has So Decided.

Only One Small Chance Left of Escaping Prison Bars.

Will Ask for a Writ of Habeas Corpus and Test the Law's Constitutionality.

H. O. HAVEMEYER IN THE SAME BOAT.

He and Secretary Searies, of the Sugar Trust, Are Charged with the Same Offense as Chapman, and His Fate Will Be Theirs.

There is only one more chance—and that is a small one—whereby Broker Elverson R. Chapman, member of the firm of Moore & Schley, and the respondent in the case of the Sugar Trust, may escape from the Supreme Court of the United States.

The Supreme Court of the United States yesterday affirmed the decision of the Court of Appeals of the District of Columbia by which Chapman was sentenced to pay a fine of \$100 and to be imprisoned thirty days, and unless he can escape on the constitutionality of the law under which he was convicted he will be behind prison bars within ten days. If he finally goes to jail the same fate apparently awaits H. O. Havemeyer, president of the Sugar Trust; John W. McCartney, of Carson & McCartney, stock brokers, of Washington; E. J. Edwards, correspondent of the Philadelphia Press, and John S. Shriver, correspondent of the Mail and Express.

They all refused to testify before the Senate committee that investigated the operations of the Sugar Trust two years ago. Mr. Chapman's case was made a test, and it was supposed that his would be the strongest defense, because he was able to plead the right to respect and confidence placed in him as a broker. He was indicted for contempt by the courts of the District of Columbia, and the decision of the Supreme Court yesterday was that a decision in a criminal case by the Court of Appeals in the District of Columbia is final.

After receiving the news Mr. Chapman said: "As soon as the judgment is transmitted to the Court of Appeals of the District of Columbia, I shall deliver myself into custody. I shall probably go to Washington to-morrow. When in arrest I shall apply to the United States Supreme Court for a writ of habeas corpus to have the constitutionality of the law under which I was tried and convicted passed upon. Any Judge of the Supreme Court can issue the writ. If the writ is granted, the constitutionality of the law will be decided in a week."

"I am under \$5,000 bail. I shall be obliged to go to jail if I cannot get a writ of habeas corpus, or, if, after getting the writ, the decision on it is against me. We tried on the trial to have the constitutionality of the law passed upon, but were unable to do so. In Wall Street yesterday it could scarcely be comprehended that a broker so powerful in financial matters as Mr. Chapman may go to jail. The firm of Moore & Schley, of which he is a member, does more business for Washington men on change than any other firm in the city. It was supposed to have great influence, and its interest in political matters is shown by the fact that in October Mr. Chapman was said to be \$100,000 and Mr. Elverson \$200,000 of it to be that he would carry every State east of the Mississippi and a similar amount that would be carried by Mr. Elverson. He is connected with a number of financial institutions, and is one of the most powerful men in the city."

There is a room among financial men was increased by the fact that any broker may find himself in a similar hole almost any day. Nearly all the big houses of Wall Street are connected with business for Washington men, which is of a nature to ruin their clients politically if made public. Hitherto these business men have kept their hands clean, but if Mr. Chapman goes to jail it is not likely that others will refuse to testify when put on the stand.

Chapman's escape was not considered good. The last fight will be made on the ground that the following section (112) of the Revised Statutes of the United States is unconstitutional:

Every person who, having been summoned as a witness by the authority of either house of Congress to give testimony or produce papers or documents, and who, under oath, neglects to attend and give testimony or to produce the papers or documents, shall be deemed to have committed an offense against the honor of the respective houses of Congress, and shall be fined not more than \$100 and imprisoned not more than thirty days, or both, at the discretion of the court.

It is expected that the Supreme Court will very quickly decide the constitutionality of the law, and if its decision is against Chapman, proceedings will promptly be taken against the other witnesses who refused to testify.

Mr. Havemeyer and Mr. Searies will be watched with even more interest than that of Mr. Chapman. It is expected that the case will be decided, if the case comes to issue, by the strongest legal talent to be found.

Washington, Nov. 30.—By its unanimous decision, announced to-day by Chief Justice Fuller, the Supreme Court of the United States practically affirmed the judgment of the Court of Appeals of the District of Columbia in the case of Elverson R. Chapman, the stock broker, who declined to answer certain questions propounded by the Senate Committee investigating the case of the Sugar Trust, and the case of the United States, and the Government moved to dismiss the writ on the ground that the Supreme Court had no jurisdiction to review the judgment of the District Court in a criminal case.

The appellate jurisdiction of the Supreme Court of the United States, the Chief Justice said, is limited to cases in which the Government is a party, and in which the Government has a right to be heard. In the case of Chapman, the Government was not a party, and it had no right to be heard. The Supreme Court, therefore, has no jurisdiction to review the judgment of the District Court in a criminal case.

Chapman was convicted under section 112, R. S., which provides punishment for failure to answer questions asked by a committee of Congress. The Court overruled all suggestion that the section was unconstitutional. He sued out a writ of error to have the case reviewed by the Supreme Court of the United States, and the Government moved to dismiss the writ on the ground that the Supreme Court had no jurisdiction to review the judgment of the District Court in a criminal case.

He said, rested on the acts of Congress, and the proper construction of the act of 1893 establishing the District of Columbia Court of Appeals was in the light of the light of previous decisions upon similar statutory provisions. In the case of the United States vs. Morgan (decided in 1893), Chief Justice Marshall held that the Supreme Court of the United States had no jurisdiction under the act of 1893 over judgments of the District Court in criminal cases. Marshall said: "The words 'marriage in dispute' seem appropriated to civil cases, when the subject in contest has a value beyond the sum mentioned in the act. But in criminal cases the question is the guilt or innocence of the accused. And, yet that is, in the eye of the law, a punishment for the offense committed and not the particular object of the suit."

This construction of the law was carried forward under subsequent legislation, and it was affirmed in several decisions as to the laws of March 3, 1881, and of February 9, 1890. The eighth section of the law of February 9, 1890, establishing the Court of Appeals for the District of Columbia, provided for the review by the Supreme Court of the United States of any final decree of the District Court, in which the matter of dispute exceeded \$5,000 in the same manner and under the same regulations as heretofore provided for in cases of writs of error or appeals from decrees rendered in the Supreme Court of the District of Columbia; and also in cases, without regard to the sum in dispute, wherein is involved the validity of any patent or copyright, or of a treaty or statute of or an authority exercised by the United States."

This act and that of 1885, the Chief Justice said, the Court regarded as the same in their meaning and legal effect. The suggestion that because a fine of \$100 was involved the case could be reviewed by the Supreme Court of the United States, was disposed of by the language of Chief Justice Marshall in the United States vs. Morgan. There was nothing, the opinion continued, in the eighth section quoted to justify its expansion so as to make the provision of the act of 1891, by which cases involving the constitutionality of any statute

of the United States may be brought to the Supreme Court from any District Court of Appeals. The firm of Moore & Schley, of which he is a member, does more business for Washington men on change than any other firm in the city. It was supposed to have great influence, and its interest in political matters is shown by the fact that in October Mr. Chapman was said to be \$100,000 and Mr. Elverson \$200,000 of it to be that he would carry every State east of the Mississippi and a similar amount that would be carried by Mr. Elverson. He is connected with a number of financial institutions, and is one of the most powerful men in the city."

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DOCTORS CONFESS TO MURGE DEALS.

Two Physicians Tell President Croft How They Secured Bodies.

Paid an "Express Charge" of \$10 for Delivery and Return of Corpses.

Will Be Ready to Testify When Their Evidence Is Required by the Charities Commission.

WHITE READY FOR INVESTIGATION.

Undertaker Burton Denies His Employee's Statement That They Had Fifty Bodies a Year from the Morgue—Says He Is Clear of Blame.

Albert N. White, superintendent of the Bellevue Morgue, is still under suspension, and rumors concerning developments by the Board of Charities are beginning to form themselves into facts.

White was at the Morgue yesterday in civilian's dress to assist Mr. Newton, his temporary successor, to go after the bodies. He said that he would be able to prove his innocence easily, and told Superintendent Murphy that he was ready at any time to begin his investigation. Later Mr. White said that the Committee of Anatomy, consisting of Drs. Wolsey, Phelps, Callahan and Briggs, had charge of the distribution of bodies. "They appear to have forgotten their written instructions," he said. "I simply obeyed orders."

When Superintendent Murphy heard of this statement he smiled and said: "Where are his orders? Why don't he show them? It is nonsense. Dr. Wolsey is empowered to dissect in the Morgue, but outside of that his authority ends there."

Drs. Dawbarn and Burtenshaw, demonstrators at the Polytechnic, where the body of Rosa Klein is alleged to have been taken, and for which Mr. Murphy has a copy of the receipt given to the man who delivered it, preserved silence yesterday. Undertaker Burton, of Thomas Burton's Sons, No. 328 University place, has an employee named Thompson. Thompson said yesterday:

"We have been getting bodies from the Morgue for at least five years, and they have longer. I never saw the authority for delivering the bodies, but when we wanted one we simply went for it. It is always brought back in our wagons. We have used perhaps fifty bodies a year here in demonstrating embalming. I don't know who has the authority to order bodies removed, but I supposed we were proceeding in the regular way."

When confronted with Mr. Thompson's statements, Mr. Burton appeared much displeased. "I deny that we have received fifty bodies a year from the Morgue," he exclaimed. "I don't see what right Mr. Thompson has to make statements. No, I will not show any authority for our bodies. I have never seen any. My association with that department has been perfectly proper, as I found out to-day from the Board. I was informed that nothing rested on my shoulders. You have no right to recognize any statement made by Mr. Thompson."

Mr. Bliss will be Secretary of the Navy. A report was received in this city yesterday from a trustworthy source to the effect that Cornelius N. Bliss, of this city, who has been treasurer of the Republican National Committee during two campaigns, had been offered the position of Secretary of the Navy under the McKinley Administration.

Mr. Bliss smiled when told about it, and said: "That is news to me. I had not heard it, but you will readily understand that I cannot discuss the matter." Being pressed for an answer, and informed that the information came as a positive statement from a prominent Republican, who is in a position to know the situation, Mr. Bliss again denied that he had anything about it and repeated his first statement.

Some of Mr. Bliss's friends declared last night that he was absolutely sure to be New York's representative in the Cabinet. Mr. Bliss was first mentioned for the Treasury portfolio, but there has always been a preliminary objection to his being Secretary of the Treasury, on account of Wall Street. It has also been claimed that Mr. Bliss is ineligible to be Secretary of the Treasury, on account of his connection with certain business interests. This has been denied by his friends, but it is believed that Mark Hanna will suggest the Secretary of the Treasury to the head of the Treasury Department.

Thomas C. Platt and the Republican State leaders pretend to favor the appointment of Mr. Bliss to a place in Mr. McKinley's official household. Ex-Governor Charles Foster, of Ohio, has succeeded in securing the removal of William Windom, in the Harrison Administration, was at the Fifth Avenue Hotel during the day, having just returned from a trip through the West. He said he was not paying much attention to politics and, therefore, could not discuss them. When asked about probable Cabinet appointments, he said:

"I can only say that McKinley is a very level-headed man, and he will take a long time in selecting his Cabinet. I have plenty of good material to choose from. I do not know whether John Sherman would accept the Treasury portfolio or not. If he would, I think he would be a great asset to the Government. I do not expect to see Hanna in the Cabinet. He occupies a unique position in our politics, and I believe he is a bigger man outside of the door than inside of it. He is a man who can get out of politics in a hurry, and Hanna has already more of that than a Cabinet place could give him."

Mr. Foster said he did not expect to see the Dingley bill passed at the coming session of Congress. "I can see no reason for its passage. The Republicans should go ahead now and prepare a tariff bill that can be introduced as soon as Congress can be called together in extra session after the 4th of March next. In my opinion, the tariff is the one thing that will give us the power over our statute books. I think the McKinley law should be the basis on which the new tariff law should be based. By the new tariff law I mean that the old duties should be restored, because conditions have changed materially, and the necessity for a high tariff is no longer what it was. I don't believe in wasting time over the tariff bill."

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When Superintendent Murphy heard of this statement he smiled and said: "Where are his orders? Why don't he show them? It is nonsense. Dr. Wolsey is empowered to dissect in the Morgue, but outside of that his authority ends there."

Drs. Dawbarn and Burtenshaw, demonstrators at the Polytechnic, where the body of Rosa Klein is alleged to have been taken, and for which Mr. Murphy has a copy of the receipt given to the man who delivered it, preserved silence yesterday. Undertaker Burton, of Thomas Burton's Sons, No. 328 University place, has an employee named Thompson. Thompson said yesterday:

"We have been getting bodies from the Morgue for at least five years, and they have longer. I never saw the authority for delivering the bodies, but when we wanted one we simply went for it. It is always brought back in our wagons. We have used perhaps fifty bodies a year here in demonstrating embalming. I don't know who has the authority to order bodies removed, but I supposed we were proceeding in the regular way."

When confronted with Mr. Thompson's statements, Mr. Burton appeared much displeased. "I deny that we have received fifty bodies a year from the Morgue," he exclaimed. "I don't see what right Mr. Thompson has to make statements. No, I will not show any authority for our bodies. I have never seen any. My association with that department has been perfectly proper, as I found out to-day from the Board. I was informed that nothing rested on my shoulders. You have no right to recognize any statement made by Mr. Thompson."

PORTFOLIO FOR BLISS.